

**LETTER WRITTEN
BY**

**LATE L.S. ROAN
ASKS**

**CLEMENCY FOR
FRANK**

Prison Commission
Receives

Letter Signed by
Late Trial

Judge Expression
Doubt as

To Frank's Guilt

MRS. FRANK

PRESENTS

A WRITTEN
STATEMENT

Tells of Movements by Her

Husband on Day Mary Pha-

gan Met Her Death— Many

Attend Hearing

A Letter from the late Judge L.S. Roan, who presided over the trial of Leo M. Frank, was presented to the State Prison Commission, Monday morning, by the Attorneys, who are asking for a Commutation. The Letter thus follows:

“North Adams, Mass., December, 1914.”

“Rosser & Brandon and R. R. Arnold,”

“Attorneys for Leo M. Frank,”

“Gentlemen:”

“After considering your communication, asking that I recommend Clemency in the Punishment of Leo M. Frank I wish to say, that at the proper time, I shall ask the Prison Commission to recommend and the Governor to commute Frank’s Sentence to Life Imprisonment. This, however, I will not do until the Defendant’s Application shall have been filed, and the Governor and the Prison Commission shall have had opportunity to study the Record in the Case.”

“It is possible that I showed undue deference to the opinion of the Jury in this Case, when I allowed their verdict to stand. They said by their verdict that they had found the Truth. I was still in a state of uncertainty and so expressed myself. My search for the Truth, though diligent and earnest, had not been so successful. In the exercise of Judicial Discretion, restricted and limited, according to my interpretation of the Decisions of the Reviewing Court, I allowed the Jury’s verdict to remain undisturbed. I had no way of knowing it was erroneous.”

“After many months of continued deliberation, I am still uncertain of Frank’s guilt. This state of uncertainty is largely due to the Character of the Negro Conley’s testimony, by which the verdict was evidently reached.”

“Therefore, I consider this a Case in which the Chief Magistrate of the State should exert every effort in ascertaining the Truth. The Execution of any person, whose guilt has not been satisfactorily proven to the constituted Authorities, is too horrible to contemplate. I do not believe that a person should meet with the extreme Penalty of the Law until the Court, Jury and Governor shall all have been satisfied, of that person’s guilt. Hence, at the proper time, I shall express and enlarge upon these views directly to the Governor and the Prison Commission.”

“However, if for any cause, I am prevented from doing this, you are at liberty to use this Letter at the Hearing.”

“Yours truly,”

(Signed)
ROAN.”

“L.S.

HEARING OPENS.

The Hearing of the Petition to the State Prison Commission for a Commutation of Leo M. Frank’s Death Sentence to Life Imprisonment was begun by the Commission at 10 o’Clock Monday morning.

The members of the Commission, R.E. Davison, Judge T.E. Paterson, and E.L. Rainey, entered the Commission’s Public Hearing Chamber at 9:40 o’Clock and took their seats behind desks in the end of the Chamber, which is a comparatively small Room adjoining the Commission’s Office on the third floor of the State Capitol.

A moment later, Mrs. Leo M. Frank entered the Chamber accompanied by several friends and they took seats near the front, the chairs for spectators being ranged in rows across the Room.

Already the Chamber, which was seating Capacity for something over 100 people, was comfortably filled. In the crowd were friends of Frank and Spectators not connected with the Case.

At 9:50 o’Clock the parents of Frank, Mr. and Mrs. Rudolph Frank, of Brooklyn, entered the Chamber and took seats near the condemned man’s wife. They were followed by Mrs. M. DeLaney Fisher, a member of the delegation from Chicago here to present a mammoth Petition in Frank’s behalf.

A few moments before 10 o’Clock Ex-Congressman William M. Howard, of Augusta, Frank’s leading Spokesman before the Commission, entered the Chamber in Company with Attorneys Harry

(Continued on Page Four Column One.)

PDF PAGE 4, COLUMN 1

TESTIMONY IN PLEA FOR FRANK’S COMMUTATION

(Continued from page one.)

A. Alexander, Leonard Haas, and Henry C. Peeples.

Promptly on the minute the Hearing started, Mr. Howard said he thought each side should present, at the outset, all the Documentary Evidence it proposed to use in the Hearing, so that neither side could later say the other side attempted to “spring a surprise.”

DORSEY NOT PRESENT.

Solicitor Hugh M. Dorsey was not present nor was anyone present to represent him, so far as could be seen or heard.

Mr. Howard then submitted his Documentary Evidence, as follows:

1. Brief of evidence at Frank’s trial, approved by Judge L.S. Roan, the trial Judge.
2. Copy of motion for new trial overruled by Judge Roan.

3. Bill of Exceptions to this Ruling of Judge Roan on which an Appeal was

taken to State Supreme Court.

4. Dissenting opinion signed by two Justices of State Supreme Court, in

which they favored granting Frank a new trial.

5. Affidavit by Judge Roan setting forth Reasons for requesting Frank and

Frank's Lawyers to stay away from Court Room when verdict was returned.

6. – Statements by Mrs. Leo M. Frank denying the rumors, current shortly

after Frank's arrest, that she refused to visit him at the Police Station.

7. –Affidavit by Atlanta Physicians that Frank has no taint of perversion

either mentally or physically. Those signing this Affidavit were Dr. R. R. Daley, Dr.

Lewis M. Gaines, Dr. James N. Brawner, Dr. J. Cheston King, Dr. A. W. A. Gardner,

Dr. Hansell Crenshaw, Dr. E. Bates Block.

8. –Letters written by Conley in Jail (after Frank's trial) to Annie Maude

Carter, a Negro woman. These Mr. Howard submitted in their original form as

written by Conley, and to each Member of the Commission, he submitted

Photographs of the Letters and typewritten Copies of the same. He did not read

the Letters, saying they were unfit to read in the presence of a mixed audience.

OSBORN'S OPINION.

9. -Opinion of Albert S. Osborn, Handwriting Expert of New York, that

Conley wrote murder notes (found beside Mary Phagan's body) without

suggestion, dictation or assistance from Frank.

10. Letter written by Judge Roan to Attorneys Luther Rosser and Reuben

Arnold, stating that he would go before the Prison Commission and Governor,

should Frank's Case reach them, and ask for a Commutation of Sentence.

After submitting his Documentary Evidence, Mr. Howard said Frank's Representatives would accommodate themselves to the Commission's convenience as to the hours of the Hearing and the length of the Hearing.

Chairman Davidson in reply said the Hearings, after Monday, would begin at 9 o'Clock and run to 12:30, and reconvene at 2 o'Clock and run to 5 o'Clock. He said the Commission would not limit the length of the Hearing.

Mr. Howard at this point said he would ask Attorney Harry A. Alexander to announce the names of Frank's Official Representatives before the Commission, Attorney Alexander rose and said: "William M. Howard and Harry A. Alexander."

Mr. Howard then opened the Argument by reading Frank's Petition for a Commutation.

This done, Mr. Howard commented on various items in the list of Documentary Evidence submitted.

MRS. FRANK'S FIRST OPPORTUNITY

In Reference to Mrs. Frank's Statement concerning her visit to Frank at Police Station, he said this Statement to the Prison Commission was the first opportunity allowed Mrs. Frank under the law to deny the "false and cruel" rumors circulated while Frank was at Police Station, because under the law a wife cannot testify either for or against her husband in a Criminal trial.

In Reference to Judge Roan's Letter saying he would ask for a Commutation of Sentence, Mr. Howard requested the Prison Commission, after they had finished with the original, to return it to Frank's Lawyers, because they regard it as one of the "most precious Documents in their possession," Mr. Howard said: "This, may it please the Commission, is a voice from the tomb, the first time such a voice has spoken in this Case."

After commenting on the Documentary Evidence, Mr. Howard turned his attention to Letters that have been written, the Commission urging a Commutation for Frank. He said he would not attempt to read all of these Letters, since they run into the tens of thousands, but would merely select some of the most notable from the standpoint of Authorship, taking them from various Geographical Sections to show the widespread sentiment

in favor of Commutation, and to these Letters request the Commission to direct its particular attention.

Among those read by Mr. Howard were the following: From Judge Andrew J. Cobb, of Athens, stressing the doubt of Frank's guilt; from Major Joseph B. Cumming of Augusta, commenting on the atmosphere of the trial; from Rev. M. Ashby Jones, Pastor First Baptist Church of Augusta; from Editor H. M. McIntosh, of the Albany, Ga., Herald; from Judge A.L. Miller of Macon; from Attorney Alex C. King, of Atlanta, commenting on the atmosphere of the trial.

Continuing the Reading of Letters written to the Commission, Mr. Howard next read one, written by Jack J. Spalding, the Atlanta Attorney. Mr. Spalding said he was in Atlanta during the trial and under the circumstances, it was humanly impossible to have given Frank a fair trial.

BUSINESS MEN'S PETITION.

At this point, Mr. Howard suspended the Reading of Letters to permit a delegation of Atlanta Business men to appear before the Commission and present a Petition signed by a large number of Citizens prominent in the Business Life of the Community. R.L. Cooney was Spokesman for the delegation. He submitted the Petition and made no speech.

Mr. Howard then read Letters from John D. Mell, Judge Spencer R. Atkinson, Attorney Robert C. Alston, Attorney Reuben R. Arnold and Attorney Hollins N. Randolph, of Atlanta.

In reference to Mr. Arnold's Letter, Mr. Howard said the writer's character is such that the Fact of his being one of the lawyers for the Defendant should not weigh against the Letter in the slightest.

Here Mr. Howard suspended delegation from Savannah to be heard. In the delegation were Judge Samuel B. Adams and Attorneys T.M. Cunningham and Alex A. Lawrence. Judge Adams was Spokesman. He made a Brief, impressive talk in which said:

JUDGE ADAMS' SPEECH.

"We appear here as a committee representing the City of Savannah. The Petition we present is signed by something like 2,000 of the most representative Citizens of Chatham County in all walks of life. At the time I agreed to come here as Spokesman, I did not know what the sentiment of my Community was, nor did I care. I felt it my duty to come and agreed to come. Neither I nor Mr. Lawrence nor Mr. Cunningham has the slightest Pecuniary, Personal or Professional interest in Leo M. Frank or his Case. We are here purely as a matter of duty to our own consciences. It has been my life-long rule never to sign Petitions for Pardon or Commutation of Sentence."

"All my life I have stood for the enforcement of Law and the dignity of the Courts. The Fact that I am here now is no reflection on the Courts. The very Fact that the Fundamental Law of the State provides for Clemency makes it plain that Clemency should and will sometimes be invoked."

"Sometimes our Courts make mistakes, and there is no remedy for them except in Clemency."

"The trial Judge is now dead. I would not impugn his honesty or good Faith if he were living and certainly, I will not do so now. But I do say that under his own views, expressed by him on the Bench, Leo M. Frank was entitled to a new trial. The atmosphere of the trial was inimical to a fair consideration of the Case. We are here, may it please the Commission, because we believe Frank did not have the sort of a trial to which every man, be he white or

black, rich or poor, humble or influential, is entitled. It is not right, Gentlemen of the Commission, to hang a man unless his guilt is certain and the Judge who tried him is convinced.”

BRUNSWICK’S PETITION.

The Plea of the Savannah delegation was followed by a Plea from Brunswick, Ga., delivered by Colonel John E. DuBignon, a prominent Citizen of that City.

“I am not a Lawyer and do not know why I was selected as Spokesman to represent my Community,” said Colonel DuBignon, “unless it be the Fact that I sincerely and earnestly believe Leo M. Frank should not be hanged.” Colonel DuBignon then presented a large Batch of Letters to the Commission written by prominent Brunswick Business and Professional men.”

After the Brunswick delegation came Samuel Maddox, a prominent Attorney of Dalton, Ga., who filed a Petition signed by a large number of Citizens of that City and stated that he came before the Commission at their request. He said that he is conclusively satisfied of Frank’s innocence, and he made an eloquent appeal for Commutation of Sentence.

Next appeared Dr. L.R. Christy, Pastor of the First Baptist Church of Columbus, Ga., who filed a Petition signed by a large number of people in Columbus and vicinity and accompanied the Petition with a very earnest address in Frank’s behalf.

SERIOUS DOUBT.

“One of the most significant Facts about the State of the Public mind toward this Case at the present time,” said Dr. Christy, “is that people in all walks of life are seriously doubtful of his guilt and want his sentence commuted, and the further fact that these people have been led to this conclusion by different

lines of thought. To my mind, this demonstrates clearly and beyond dispute the Fact that public opinion is focusing and crystallizing in a desire that the man shall not be hanged. Even people who have a suspicion that Frank may be guilty, and I am one of that class, are not satisfied beyond reasonable doubt. I have carefully read the evidence. I am not satisfied. Neither are the people of the State satisfied. And they demand that the possibility of a terrible mistake be removed by commuting this man's sentence to Life Imprisonment."

At the close of Dr. Christy's Appeal, Chairman Davison asked if there were any more delegations present from Georgia and none answered. The hour of 12:30 having arrived, Chairman Davison took recess for lunch, and stated that owing to the press of spectators, the Hearings hereafter would be held in the House of Representatives, where several hundred can be accommodated.

MRS. FRANK'S STATEMENT.

The following Statement, signed by Mrs. Leo M. Frank, was read to the Commission:

"Mr. Frank first came to Atlanta on August 6, 1908. About August 8, he took up his residence at 93 East Georgia Avenue, at the home of my aunt, Mrs. J. Selig."

"At this time, I lived with my parents at 68 East Georgia Avenue."

"I met Mr. Frank for the first time about a week after he arrived in Atlanta. In May 1909, we became engaged to be married and were married on November 30, 1910."

"I am a Georgia girl, having been born and reared in Atlanta, and have lived in Atlanta all of my life. My mother likewise is,

having been born in Dalton, Ga., and has lived all of her life in Georgia. All of the relations of my generation, boys and girls, were born in Georgia, and from my association with them, I was accustomed to the deference and courteous treatment which is characteristic of the Southerner in general, and Georgian in particular.”

“With the ideals which I had, and which had been inculcated in me from girlhood, I expected in my husband nothing less than that to which I had been accustomed, and to which every woman looks forward, and which I fully realized in my husband.”

“When not occupied with his Business, the only time he spent away from me was when he was occupied with his charitable work which took him away from home about once or twice a month.

MARRIED LIFE HAPPY.

“Our married life has been exceedingly happy, and has never been marred by the slightest cloud. He was regarded and loved by my parents as a son; and was always courteous, gentle and most respectful in his relations with them, and our Families have always been on intimate terms.”

“When my husband was first arrested on this Charge, and was detained at Police Headquarters on Tuesday, April 29, 1913, I hurried to the Police Barracks, on Decatur Street, as soon I heard of it, accompanied by my father and Brother-In-Law. I was not allowed to go up to see my husband, and remained in the Office of the Probation Officer, from whence my friends prevailed on me to return home. Being assured that my husband would be released at any moment, I remained at home, but as soon as it became apparent that he would be detained indefinitely I went to

him immediately, and have been going to him every day since, and spend most of the day with him in Jail.”

“On the 26th of April, 1913, my mother and I had tickets for Matinee to Grand Opera, and in order to get there on time, we sat down to table at 1:10 before my husband came home to dinner, and at about 1:15 father came in, and sat down at dinner with us. About 1:30 mother and I left the house, and my husband and father were left at the table eating. Returning home from the Opera at 6:30, I found my husband already there. There was nothing unusual in his manner or appearance to attract my attention. That evening, after supper, a number of friends, of my mother and father, came over to the house to play cards. My husband and I did not play, but he sat in, in the Hall reading. I watched the game for a while in the Dining Room and then would go into the Hall and talk to my husband, and would then go back again to watch the game.”

CALLED BY DETECTIVES.

“My husband read in the Hall until some time after 10 o’Clock, when he went upstairs to take a bath, I followed him a few minutes later and we retired about half past ten. We were awakened about 6:45 by the telephone ringing. My husband got out of bed, put on his Bath Robe and went down to answer the phone. When he came back again, I asked him who it was, and he said that some Detective had telephoned him to come right down to the Factory; that there had been a tragedy down there, and that they were sending an automobile for him. My husband began to dress right away, and while he was dressing, the front door bell rang, and I slipped on a Bath Robe and went downstairs to answer the door. When I opened the door, Boots Rogers and John Black were there. Of course, at that time, I did not know who they were. I asked them what was the matter, and they said some one had

been killed in the Factory and they then told me what they knew about it. After a minute or two, my husband came down and joined us at the front door. They asked him if he knew Mary Phagan, and he told them that he did not."

"They then asked him if a little girl had not come to the Office to get her money the preceding day, and he said that he did remember such a girl, but that he did not know her name. They then said they wanted him to come with them right away to the Factory. I wanted them to let him have his breakfast, but they refused. I then asked if they would not let him have at least a Cup of Coffee, but they refused that also. It was I, and not he, that asked for the Coffee."

"As to the Affidavit reputed to have been made by Minola McKnight, on June 3, 1913, the Statement that I ever told my mother that my husband did not rest good that night, that he was drunk and that he made me sleep on the floor, and all the rest of it is absolutely false in every particular. No such thing ever occurred at that time or at any other time, and I never made such a Statement to anybody. That whole story is false from beginning to end."

PDF PAGE 1, COLUMN 2

JUDGE ROAN'S LETTER. This is a Photographic Reproduction of the Letter written by the late Judge L.S. Roan, in which he expressed the Belief that Leo M. Frank's Sentence should be commuted to Life Imprisonment. This Letter is the most important Document presented to the State Prison Board in Frank's behalf.

THE BERKSHIRE HILLS SANATORIUM
NORTH ADAMS, MASS.
WALLACE E. BROWN, M.D.

PROPRIETOR

North Adams, Mass.

December, 1914.

Rosser & Brandon & R.R. Arnold,
Attys. For Leo M. Frank

Gentlemen: -

After considering your communication, asking that I recommend Executive Clemency in the Punishment of Leo M. Frank, I wish to say that at the proper time, I shall ask the Prison Commission to recommend, and the Governor, to commute Frank's Sentence to Life Imprisonment. This, however, I will not do until the Defendant's Application, shall have been filed, and the Governor and Prison Commission shall have had opportunity to study the Record in the Case.

It is possible that I showed undue deference to

**THE BERKSHIRE HILLS SANATORIUM
NORTH ADAMS, MASS.**

-2-

the opinion of the Jury in this Case, when I allowed their verdict to stand. They said by their verdict that they had found the Truth. I was still in a state of uncertainty, and so expressed myself. My search for the Truth, though diligent and earnest, has not been so successful. In the exercise of Judicial Discretion, restricted and limited, according to my interpretation of the Decisions of the Reviewing Courts, I allowed the Jury's verdict to remain undisturbed. I had no way of knowing it was erroneous.

After many months of continued deliberation, I am still uncertain of Frank's guilt. This state of uncertainty is largely due to the Character of the Negro Conley's testimony, by which the verdict was evidently reached.

Therefore, I consider this a Case in which the Chief Magistrate of the State should exert every

**THE BERKSHIRE HILLS SANATORIUM
NORTH ADAMS, MASS**

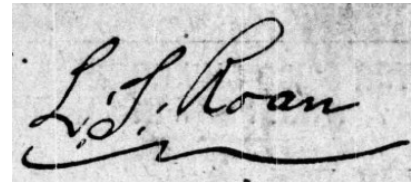
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Authorities, is too horrible to contemplate. I do not believe that a person should meet with the extreme Penalty of the Law until the Court, Jury, and Governor shall all have been satisfied of that person's guilt. Hence, at the proper time, I shall express and enlarge upon these views directly to the Governor and Prison Commission.

However, if for any cause, I am prevented from doing this, you are at liberty to use this Letter at the Hearing.

Very truly,

A handwritten signature in cursive script, reading "L. J. Roan". The signature is written in dark ink on a light-colored, textured background.

PDF PAGE 1, COLUMN 2

**JUDGE ROAN'S
BROTHER**

**MAKES PLEA FOR
FRANK**

J.T. Roan Gives Impressions Of Case as Obtained From Jurist Before He Died

In addition to the Letter from the late Judge L.S. Roan advocating Frank's Plea for Commutation, a communication addressed to the Governor and the Prison Board, in which Clemency was urged, was presented from J.T. Roan, Judge Roan's brother.

It follows:

Jesup, Ga., May 29, 1915.

To his Excellency, the Governor of Georgia, and the Prison Board, Atlanta, Ga.

Gentlemen:

In Application of Leo M. Frank, for Execution Clemency.

In the Exercise of my prerogative as a Citizen of Georgia, I appeal to your excellency, and to the Prison Board to extend Executive Clemency to Leo M. Frank now under Sentence of Death.

Judge L.S. Roan, who presided at the trial of Frank, was my brother, and during March, 1914, visited me in my home at St. Petersburg, Fla., where I was then living. He discussed the Case and the trial with me, and my request for Executive Clemency is based upon the impression I received from him during our conversation.

I will not undertake to quote his words, but the following are a few of the impressions which were made upon me by his conversation.

The impressions conveyed was that a Spirit of mob violence permeated the whole atmosphere of Atlanta, and even entered the Court Room and manifested itself in various ways, and that it was totally beyond the power of any man to stop or stem its spirit, and that the trial was had under these conditions, which were wholly unusual.

The impression also that I received from him was that Frank had accounted for every moment of his time on the day of the murder, except a few minutes, and that in the morning and afternoon, Frank kept a very intricate set of Books in perfect shape and he could not conceive that a man of Frank's Disposition, could have done this, had he committed the Crime.

I got the further impression from him that Conley was there that morning and was drinking, and that as the little girl came downstairs, the Negro could have killed her and hidden her body.

And further that the Crime taken as a whole, did not impress him as being a White Man's Crime, but more likely the Crime of a Negro.

He further left the impression upon me that the Statement which he made at the time the motion for new trial

(Continued on Page Five Column Five.)

PDF PAGE 5, COLUMN 5

BROTHER OF JUDGE ROAN MAKES PLEA FOR COMMUTATION

(Continued From Page One.)

was refused, did not explain fully his feelings on the Subject, but that since the Jury had passed upon the evidence, it was not his duty to do so, but that the evidence itself taken as a whole, left grave doubt in his mind as to Frank's guilt, and that in passing upon the motion for new trial, he only considered the Errors of Law, and did not pass himself upon the evidence, but that that he

was very sure that the Supreme Court would grant Frank a new trial, and that this would be better for Frank than for him to do it.

He also made the impression upon me that the Case rested upon circumstantial evidence, furnished by a Negro by the name of Jim Conley, and that Conley had made four different Statements, all very different from each other, any of which the Jury could have believed.

Taking my brother's conversation as a whole, I am sure that he must have entertained grave doubt as to Frank's guilt.

My own personal belief, taking all the circumstances surrounding the Case as I learned them from my brother and others, is that it would be a calamity to the honor and dignity of the State of Georgia to hang Frank, and in my opinion, it would be a blot from which the State and all Law Abiding Citizens would suffer immeasurably.

For these reasons, I sincerely trust that the Prison Board will recommend and that the Governor will commute the Death Sentence imposed upon Leo M. Frank.

Respectfully submitted,

(Signed) J.T. ROAN.

PDF PAGE 6, COLUMN 2

FORMER CONGRESSMAN W.M. HOWARD, the Attorney who is Leading Counsel in presenting Leo M. Frank's plea for Commutation to the Georgia Prison Commission.
